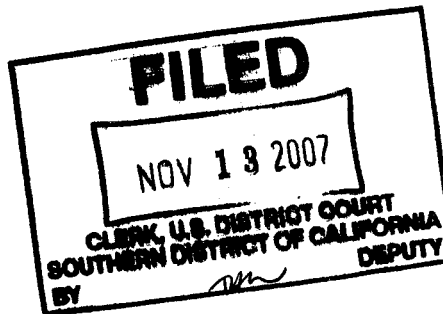


1059



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 89 22

UNITED STATES OF AMERICA,

Plaintiff,

v.

Miguel Angel MOLINA-Avila,

Defendant.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)


The undersigned complainant being duly sworn states:

On or about November 9, 2007, within the Southern District of California, defendant Miguel Angel MOLINA-Avila did knowingly and intentionally import approximately 8031.34 kilograms (17,701.07 pounds) of marijuana a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


Reuben McDowell, Special Agent
Immigration and Customs
Enforcement

Sworn to before me and subscribed in my presence, November 13, 2007.


PETER C. LEWIS
U.S. MAGISTRATE JUDGE

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5 UNITED STATES OF AMERICA

6 v.

7 Migeul Angel MOLINA-Avila

8 PROBABLE CAUSE STATEMENT

9 I, Special Agent Reuben McDowell, declare under penalty of perjury, the
10 following is true and correct:

11 This statement of facts is based on the reports, documents, and notes furnished
12 to Immigration and Customs Enforcement Special Agent McDowell.

13 On November 9, 2007, at approximately 1640 hours, CEO E. Barroso and his
14 assigned NDD along with CBPO F. Garcia were conducting a pre-primary operation at
15 the Calexico East Port of Entry Cargo Facility. The NDD alerted to the rear doors of a
16 trailer bearing license plate OK/US 922-1FN. The trailer was being hauled by a 1992
17 White GMC tractor bearing license plates CA/US 9B28787. CEO Barroso informed
18 CBPO Garcia of his NDD's alert. CBPO Garcia asked the driver, Miguel Angel MOLINA-
19 Avila, what he was bringing from Mexico. MOLINA stated "televisions". CBPO Garcia
20 walked to primary lane # 3 and requested CBPO C. Alarcon send the truck and trailer to
21 the Gamma Ray System and also to the dock for a tailgate exam.

22 CBPO Alarcon motioned for the driver to advance his truck. CBPO Alarcon
23 received a negative oral Customs declaration from MOLINA. CBPO Alarcon asked
24 MOLINA if he was traveling with anyone and MOLINA said no.

25 The Gamma Ray System showed anomalies on top of the televisions and in the
26 rear of the trailer. CBPO Barroso, in the presence of CBPO Salazar, opened a small
27 door located on the right rear trailer door and they smelled the strong odor of detergent.
28 CBPO Salazar received a negative Customs declaration from MOLINA. CBPO Salazar
29 observed that MOLINA became very stiff. CBPO requested MOLINA park the tractor

1 and trailer at space 21 against the dock. As MOLINA exited the vehicle, CBPO Salazar
2 observed MOLINA talking on a cell phone. CBPO Salazar requested MOLINA hang up
3 the phone and MOLINA stated he was talking to the company regarding the shipment.
4 MOLINA then changed his story and advised that he was talking to his wife.

5 A subsequent inspection of the vehicle revealed 1019 packages inside the trailer.
6 One of the packages was probed and a sample of a green leafy substance was
7 obtained, which field tested positive for marijuana. The 1019 packages had a combined
8 weight of approximately 8031.34 kilograms (17,701.07 pounds).

9 MOLINA was advised of his Miranda Rights, which he acknowledged and
10 waived. MOLINA denied knowledge of marijuana in the trailer. MOLINA was uncertain
11 of the location to drop off the trailer. MOLINA signed the cargo manifest certifying that it
12 is correct and true and that he is the master or person in charge.

13 MOLINA was booked into the Imperial County Jail pending his initial appearance
14 before a U.S. Magistrate Judge.

15
16 Executed on November 11, 2007 at 1015 hours.

17
18 
Special Agent

19 On the basis of the facts presented in the probable cause statement consisting
20 of _____ page(s), I find probable cause to believe that the defendant(s) named in this
21 probable statement committed the offence on 11-9-07 in violation
of Title 21, United States Code, Section(s) 952, 960.

22
23 
24 United States Magistrate Judge

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11-11-07 at 12:30pm
Date/Time